



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 31, 1996

Mr. Ron M. Pigott
Assistant General Counsel
Texas Department of Public Safety
Box 4087
Austin, Texas 78773-0001

OR96-0837

Dear Mr. Pigott:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 39455. The Texas Department of Public Safety (the "department") received an open records request for a copy of a videotape of a D.W.I. suspect. You claim section 552.103 and 552.108 except the requested information from required public disclosure.

This office notified you by facsimile on April 18, 1996 to submit a copy of the specific information requested or a representative sample of the information requested, with the caveat that your failure to do so would result in the waiver of the Open Records Act's discretionary exceptions. To date, we have not received the requested information from you. Accordingly, the requested information is presumed to be public information. Gov't Code § 552.303(e).

In the absence of a demonstration that the information is confidential by law or that other compelling reasons exist as to why the information should not be made public, you must release the information. If you have any questions regarding this matter, please contact this office.

Yours very truly,

A handwritten signature in black ink, reading "Todd Reese", is written over a horizontal line.

Todd Reese
Assistant Attorney General
Open Records Division

RTR/rho

Ref.: ID# 39455

cc: Ms. Kathy Bell, President
Mothers Against Drunk Driving
P.O. Box 936
Gonzales, Texas 77619